DOCUMENT RESUME

ED 098 157 SP 008 514

AUTHOR	Newell, John M.; Ingram, Hugh B.
TITLE	The Florida Professional Practices Council. Research Bulletin.
INSTITUTION	Florida Educational Research and Development Council, Gainesville.
PUB DATE	Aug 74
NOTE	47p.
AVAILABLE FROM	W. F. Breivogel, Executive Secretary, Florida Educational Research and Development Council, 126 Building E, University of Florida, Gainesville, Florida 32611 (single copy, $1.00, 5 or more, 10% discount)
JOURNAL CIT	Research Bulletin; v9 n1 Spr-Sum 1974
EDRS PRICE	MF-$0.75 HC-$1.85 PLUS POSTAGE
DESCRIPTORS	*Behavior Standards; *Committees; Effective Teaching; *Ethics; Investigations; *Professional Personnel; *Teachers; Teaching Skills
IDENTIFIERS	*Florida Professional Practices Council

ABSTRACT

This bulletin discusses the development, functions, and procedures of the Florida Professional Practices Council. Chapter one provides a history of the Council and discusses its membership, role, and function. Chapter two describes the operations of the Council including its duties and responsibilities and illustrates the kinds of services it performs, including probable cause determination, adversary hearings, field assistance, and quasijudicial hearings. Chapter three lists standards of competent professional performance and major features, background, and development of these standards. Chapter four presents specific steps and procedures for the development of a case that assures the teacher of due process and a fair hearing. Chapter five considers future directions of the Council. A 10-item bibliography is included. (PD)

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FLORIDA EDUCATIONAL
RESEARCH AND DEVELOPMENT COUNCIL

RESEARCH BULLETIN

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The Florida Professional Practices Council

Volume 9 Spring-Summer, 1974 Number 1

RESEARCH BULLETIN

The Florida Professional Practices Council

by

JOHN M. NEWELL
University of Florida

and

HUGH B. INGRAM
Administrator, Florida Professional Practices Council
Florida Department of Education

Published by

THE FLORIDA EDUCATIONAL RESEARCH AND DEVELOPMENT COUNCIL

August, 1974

Published Quarterly

Annual Subscription $3.00

Individual Copies $1.00
(10% discount for 5 or more)

Copies may be secured from W. F. Breivogel, Executive Secretary, Florida Educational Research and Development Council, 126 Building E, University of Florida, Gainesville, Florida 32611.

PREFACE

Do you know that we have a Professional Practices Council in Florida? If you have heard about the Council, what do you *know* about its development, mission, and activities? If you haven't heard about the Council, or you are not quite sure what it does, then this Bulletin was written for you.

We are fortunate to have as authors of this Bulletin Hugh Ingram and John Newell. They have taken active part in the development and implementation of the Council's work.

FERDC is proud to present this publication on a very current topic.

W. F. Breivogel, Ed.D.
August, 1974

FOREWORD

The authors of this Bulletin have been active in the development and growth of the Florida Professional Practices Council. Dr. John M. Newell, Professor of Education, University of Florida, was active in the development and writing of the Standards of Competent Professional Performance which are included in this Bulletin. He is presently a member of the Professional Practices Council representing the public institutions of higher education.

Mr. Hugh Ingram has been active in the state teachers association and is the first Executive Director of the Professional Practices Council. Mr. Ingram is also the current President of the National Association of Educational Standards and Professional Practices.

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QUESTIONNAIRE

To the reader:

This questionnaire is enclosed in an effort to get feedback from the readers of this Bulletin regarding their impressions of the Florida Professional Practices Council. Your response will make it possible to develop better plans for the dissemination of information about the Council. It is a publishing experiment on the part of the Florida Educational Research and Development Council. We will appreciate your help. We hope to make a report of the findings. Thank you.

1. Your present position is: (check one)

   ..... School administrator

   ..... Classroom teacher

   ..... School Board member

   ..... Other (specify) .....

2. In what county do you work presently? .....

3. How did you FIRST learn about the Florida Professional Practices Council. (check one)

   ..... This Bulletin

   ..... In a workshop

   ..... From another staff member

   ..... Other (specify) .....

4. Have you ever had an opportunity to use the services of the Council? Yes ..... No .....

5. If you answered "*Yes*" to # 4. what service did you receive? (Please state; attach additional sheet if necessary.)

   .....

   .....

   .....

6. If you have used the services of the Council, were you satisfied with the services? Yes ..... No. .....

7. If you have used the services of the Council, would you please make suggestions as to how they may be improved? (Attach additional sheet if necessary.) .....

.....

.....

.....

.....

.....

8. Do you know of anyone who has had an opportunity to use the services of the Council? Yes ..... No .....

9. In your opinion, which one of the following statements best describes the role of the Florida Professional Practices Council?

(check one)

..... The Council is of most help to administrators who want to remove teachers from their school.

..... The Council is of most help to teachers who need to have their job protected.

..... The Council is primarily an arm of the Department of Education in removing teachers from the classroom.

..... The Council has relatively little authority to either remove or protect a teacher from charges by administrators.

Thank you very much.

Please return to: Dr. John Newell
c/o Florida Educational Research and
Development Council
126 Building E
University of Florida
Gainesville, Florida 32611

CHAPTER I

HISTORY AND DEVELOPMENT OF THE FLORIDA PROFESSIONAL PRACTICES COUNCIL

Introduction:

The purpose of this Bulletin is to acquaint the reader with the development, functions and procedures of the Florida Professional Practices Council. Much of the information contained in this Bulletin may be found in bits and pieces elsewhere. However, there is no single source which brings together in one publication information about the Florida Professional Practices Council; it is the intent of this Bulletin to correct this situation. In addition, the Bulletin will provide a bibliography of the many sources of information relating to the Council.

The authors of this Bulletin have been associated with the Florida Professional Practices Council during its development and growth. In addition to providing information about the Council, this Bulletin will include comments and perceptions of the authors who were involved with the development of many of the regulations and procedures. The Florida Professional Practices Council has been fully operational for about five years and during that time has developed procedures and experience which should be of interest to both the teachers in the state of Florida who are governed by the regulations of the Council as well as

others who are interested in developing a similar organization in other states.

Since the Council was developed out of the efforts of members of the teaching profession of Florida and is intended to serve these teachers, their efforts and commitment to the concept of self regulation as a part of being worthy of being called a profession should be recognized. The authors know of no better way to indicate our debt and gratitude to the many members of the teaching profession of Florida than by dedicating this Bulletin to the teachers of Florida.

History of the Council

The beginnings of the Florida Professional Practices Council (originally called the Florida Professional Practices Commission) came in 1962 in the legislature of the state of Florida. Members of the Florida Education Association and the Florida State Teachers Association were deeply concerned about the professional future of education in the state and had been experiencing what some considered to be arbitrary and unilateral treatment of teachers including suspensions and reassignment of duties without the possibility of the teachers being able to defend themselves or state their opposition. Teachers were also concerned and at times, indignant over legislative and public criticism of the quality of professional services rendered by teachers. They felt strongly that the involvement of members of the teaching profession to determine whether instructional personnel should be dismissed would guarantee due process and fair hearings and would also ensure that the unfit would be disciplined or dismissed without fear or favor. The Florida Education Association secured the introduction of an "expert witness" bill into the 1962 session of the legislature. This bill would have had the effect of declaring members of the teaching profession to be, under certain specified conditions, expert witnesses in hearings related to charges against a member of the teaching profession. The bill was similar to one that had been successfully adopted in Nevada the previous year and was intended to give members of the teaching profession a greater voice in the evaluation of the members of the profession.

There was considerable opposition to the bill and it did not

pass. In 1963, the Florida Professional Teaching Practices Act (2) was introduced into the legislature as an alternative to the "expert witness" act. The Act was passed by the legislature and was supported by William Chappell (presently Representative Chappel, Congress of the United States) who was Speaker of the House of Representatives. The bill became law without the signature of the governor. The Florida Professional Teaching Practices Act was more inclusive than the "expert witness" act which had previously been introduced without success. The Act declared teaching to be a profession in the state of Florida and stated in part, "Teaching is hereby declared to be a profession in Florida, with all of the similar rights, responsibilities and privileges accorded to other legally recognized professions." In addition, the Act created the Professional Practices Commission and designated its duties and membership. Despite this positive move on the part of the legislature, the Act did not, unfortunately, provide any financial support for the Commission.

From 1963 until 1967, the Commission was supported by the Florida Education Association. If conditions in Florida had not changed drastically, there is some reason to believe that the Commission might have remained dependent on the Florida Education Association. Between the years of 1963 and 1967, teachers became increasingly restive and dissatiffied with their treatment in the state. This unrest culminated with sanctions being declared against the state of Florida and many teachers walked off the job. The president of the Florida Education Association declared in 1967 that teachers who violated sanctions would be subject to review and possible discipline by the Florida Professional Practices Commission. The reaction of the Legislature was immediate. The Florida Professional Teaching Practices Act was amended and the Commission was removed from its dependence on the Florida Education Association. Operating funds were provided by the legislature from a portion of the fees which came from a charge made to process an application for certification. The amended act further prohibited the Florida Education Association from using the Commission to support sanctions. The Commission became an agency of the state and in 1969, as a result of the Governmental Reorganization Act, was renamed the Florida Professional Practices Council and transferred to the reorganized Department of Education of Florida.

In 1968, the Council employed a full time executive director, Mr. Hugh Ingram, and hired a staff to assist the director. Mr. Ingram thus became the first Executive Director of a professional practices body in the United States. Although the 1963 Professional Teaching Practices Act charged the Commission with the development of criteria of professional practices including a code of ethics and standards of professional performance, at the time of the employment of the executive director and staff no standards of professional performance existed. The Commission had adopted the Code of Ethics of the Education Profession, a nationally recognized code, and two rule chapters dealing with procedures of the Commission. One of the first priorities proposed by the executive director and approved by the members of the Professional Practices Commission was the development of standards of professional performance. During the ensuing eighteen months, the activities of the executive director and members of the Commission were focused on this activity. They were assisted in their efforts by several members of the staff of both public and private institutions of higher learning, one of whom is a co-author of this Bulletin.

Membership of the Council:

If the Florida Professional Practices Council was to function as representative of the teaching profession, it would be essential that the composition of the membership of the Council include members of the teaching profession. The 1963 Professional Teaching Practices Act provided for the inclusion of members of the teaching profession. In fact, membership on the Council was restricted to individuals who, "shall be certified to teach in the state or (be) a member of the faculty of an institution of higher learning." (2) Nominees for membership on the Council were submitted to the Commissioner of Education by the Florida Education Association, Florida Association of Junior Colleges, public institutions of higher learning and by organizations representing the majority of the following groups: elementary principals, secondary principals, supervisors, superintendents, elementary teachers, and secondary teachers. Each of the above groups would submit three nominees for each position on the

Council. Thus, the elementary teachers group would recommend nominees to fill the position designated for elementary teachers, the principals associations recommended principals to fill the positions designated for principals, and so forth. From the three nominees submitted for each vacancy the Commissioner of Education would submit two names to the Florida Cabinet, sitting as the State Board of Education; one would then be appointed to a three year term with the provision for one reappointment for an additional three years.

The composition of the membership of the Council, as specified by the Professional Teachers Practices Act of 1963, was a total of nineteen members distributed as follows:

1. Four elementary teachers
2. Four secondary teachers
3. One elementary school principal
4. One secondary school principal
5. One supervisor and one superintendent of schools
6. One representative of the Florida Department of Education
7. One representative of a public community college
8. One representative of the state university system
9. Two representatives of the Florida Education Association and two representatives of the Florida State Teachers Association. (Following the merger of the two associations into a new Florida Education Association, the act was amended to provide for four representatives from the new association.)

In addition to the qualifications already stated, members of the Council were required to be citizens of the United States and residents of the State of Florida. Members must have practiced their profession in Florida for at least five years immediately preceeding their appointment. The membership of the Council was intended to be representative of the membership of the teaching profession with eight of the nineteen positions assigned to classroom teachers who had completed at least five years of teaching in the schools. If, in addition, all four of the representatives of the Florida Education Association were to be classroom teachers, the classroom teachers would occupy twelve of the nineteen positions on the Council.

Role and Function of the Council:

While the specific roles and duties of the Professional Practices Council will be discussed in greater detail in Chapter II of this Bulletin, the following will provide an overview of the activities and responsibilities of the Council.

Between 1967 and 1969, one of the major activities of the Council was the development of a set of standards of professional practice. These Standards are presented in Chapter III of this Bulletin. The Standards were developed over a period of about eighteen months and represent the single most important document of the Professional Practices Council.

In addition to receiving financial support for a staff and its operations for the Council, the Council was also granted subpoena power by the legislature. Of the nineteen commissions in the United States dealing with teacher practices and standards, thirteen have subpoena powers—it is difficult to see how a commission could operate effectively without this power. Staff members of the Council investigate every complaint that is received. This means that the investigative staff spends a considerable amount of time in the field talking with those who raise a complaint as well as with those who have been accused of some misconduct. It is of interest that approximately 75% of these complaints are settled by the investigative staff during these visits and the case proceeds no further.

The members of the Professional Practices Council are assigned to one of two standing committees: the Standards Committee or the Interpretations Committee. The Standards Committee is responsible for a periodic review of the Standards of Competent Professional Performance (3). Changes, deletions or additions can be recommended by this committee to the membership of the Council. For example, at the time of the writing of this Bulletin, the Standards Committee is reviewing possible changes in the Standards to include standards dealing with paraprofessionals. The other standing committee is the Interpretations Committee. It is the responsibility of this committee to react to questions about the intent and scope of the Standards. For example, if a question were raised as to whether or not an assistant principal was obligated to adhere to the Standards, the Interpretations Committee would review the situation and recommend an informed opinion to the Council.

In addition to the two standing committees described above, the Council elects from its members an Executive Committee, one of whom is elected as Chairman of the Council. The role of the Executive Committee is large and requires a great deal of time and commitment. This committee is empowered to act for the Council in situations where such action must be taken before the Council meets again. The Executive Committee members assist in investigating complaints and each member of this committee is responsible for keeping track of a certain number of cases. When requested, they assist the chairman in the selection of other members of the Council who will serve as members of a hearing panel although a member of the Executive Committee is not allowed to be a member of the hearing panel. This is done to avoid any possibility that prior knowledge of the case might prejudice a member of the Council in any way. This arrangement also meets the requirements of law regarding the separation of function. (Chap. 120, Florida Statues, Florida Administrative Procedures Act.)

The major activities of the Council include: investigation and hearings on charges of incompetency in teaching; investigation of violations of ethical and professional standards; assistance to a member of the teaching profession for help in evaluating or identifying a problem in the schools affecting professional personnel; and assistance to communities, counties, and school boards in investigating school-related situations that cannot be handled objectively by those in the community or county.

CHAPTER II

ROLE AND FUNCTIONS OF THE PROFESSIONAL PRACTICES COUNCIL

In the previous chapter, the development and membership of the Council was described. In this chapter, a discussion of how the Council operates, what it does and does not do, and how complaints are received by the Council will be presented. The

first section of this chapter will discuss in some detail the various duties and responsibilities of the Council while the last section will describe and illustrate the various kinds of services performed by the Council. Because the role of the Council has become rather complex, some detailed explanation will be presented in some areas for purposes of clarity.

It should be remembered that as a result of the Governmental Reorganization Act of 1969, the Professional Practices Council is a branch of the Department of Education of the state of Florida. This means that the Council is governed by the administrative regulations of the Department of Education, some of which have been developed by the Council, and that the role of the Council is to be the "investigative arm" of the Department of Education and a part of the executive branch of government. The findings of the Council as a result of hearings or other forms of investigation are submitted as proposed orders to the Board of Education which has the legal responsibility to make the final decision in a case involving suspension or revocation of a teaching certificate. It should be noted that the recommendations of the Council have never to date been overturned by the Board of Education which is a reflection of the confidence that the Board holds for the work of the Council. In cases where the ability to take appropriate action rests with a district school board, proposed orders are directed from the Council to the district board. Here again, the recommendations or proposed orders of the Council have been followed.

The Professional Practices Council receives complaints or charges about the conduct or performance of a member of the teaching profession from a number of sources. Theoretically any citizen of the state of Florida may file a complaint against a member of the teaching profession, but, as will become clearer in Chapter IV, the complaint must be filed under certain prescribed conditions designed to protect the accused from baseless accusations. In practice, complaints come from three major sources: First, the Department of Education may refer a complaint or report to the Council for investigation; second, the School Board or Superintendent of Schools may file a complaint or report directly to the Council; and third, a principal or teacher may submit a complaint, report or request to the Council. Regardless of the origin of the complaint, the field staff of the Council will make a preliminary investigation to determine the

specifics of the complaint and to make a recommendation as to whether or not the Council has jurisdiction or should proceed further with the complaint. All such staff decisions are reviewed by the Executive Committee of the Council. Whenever possible, the complaint is handled at the original investigation level and a large number of complaints are resolved at this level. Only a relatively small proportion of the complaints received proceed to a formal hearing.

If the complaint cannot be resolved at the field level or is the type of case that must be referred for council action, a member of the Executive Committee of the Council is assigned the case and further information is collected. Finally the case may be scheduled for a hearing where three members of the Council, excluding members of the Executive Committee, sit as a hearing panel to determine the facts of the allegations. If the hearing deals with a complaint of unethical, unprofessional or incompetent behavior, the findings and proposed orders of the hearing panel are submitted to the entire Council for their approval before they are forwarded to the district school board which originally submitted the complaint. If the hearing was for purposes of revocation or suspension of a teaching certificate, the findings and proposed orders of the hearing panel are submitted directly to the Board of Education and are not reviewed by the Council. The specific administrative procedures for the processing of the findings of a hearing panel have been spelled out in great detail in the rules of the Department of Education (2) and it is not within the scope of this Bulletin to spell out in detail each of the many steps that must be followed. It should be noted that these rules are designed to insure that the rights of the educator being charged are protected and that due process is followed. On the other hand, if charges against an educator are supported, the Professional Practices Council is committed to pursuing these charges and, if necessary, to secure the removal of the accused teacher or administrator from practicing the profession of teaching. When the reader realizes that the end result of a complaint made against a member of the teaching profession could be the revocation of that teacher's certificate, no effort should be spared to assure that the teacher has a full and fair hearing. For those readers who are interested in the steps followed in processing a complaint, flow charts are presented. Figure 1, diagrams the steps taken for a case inolving revocation or suspension of a

FIGURE 1
Flow chart for Revocation or Suspension of Certificate

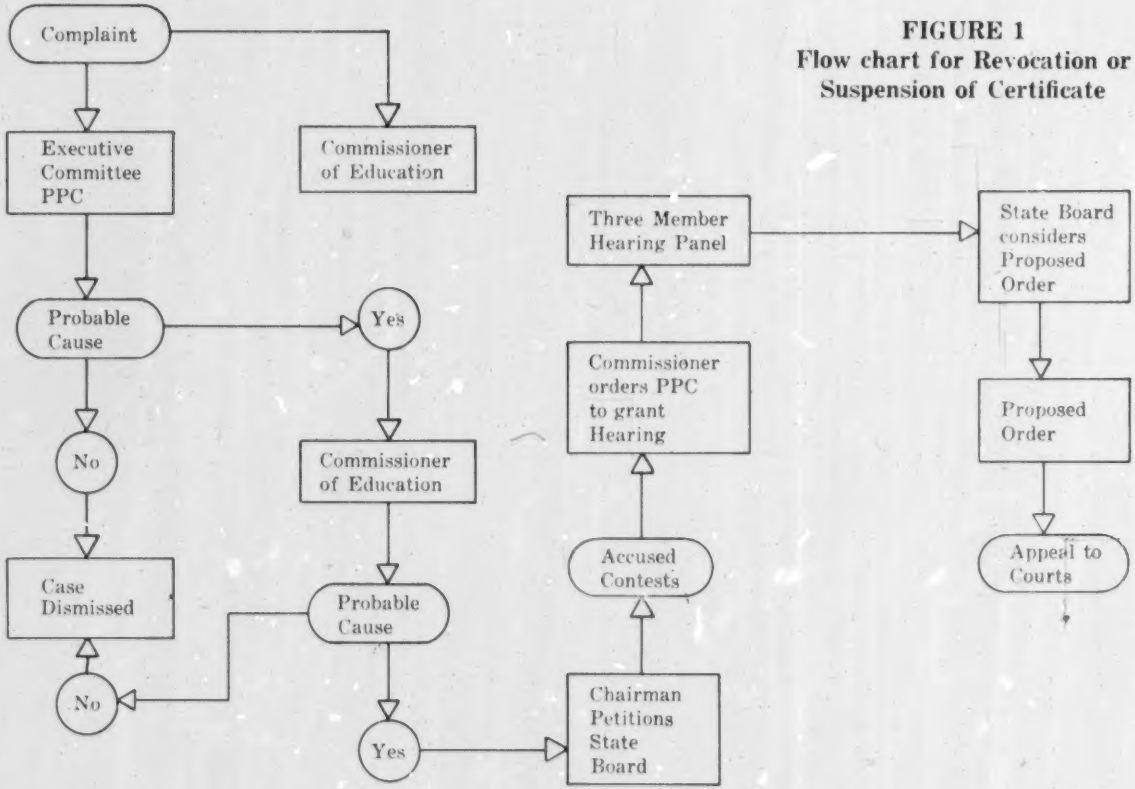
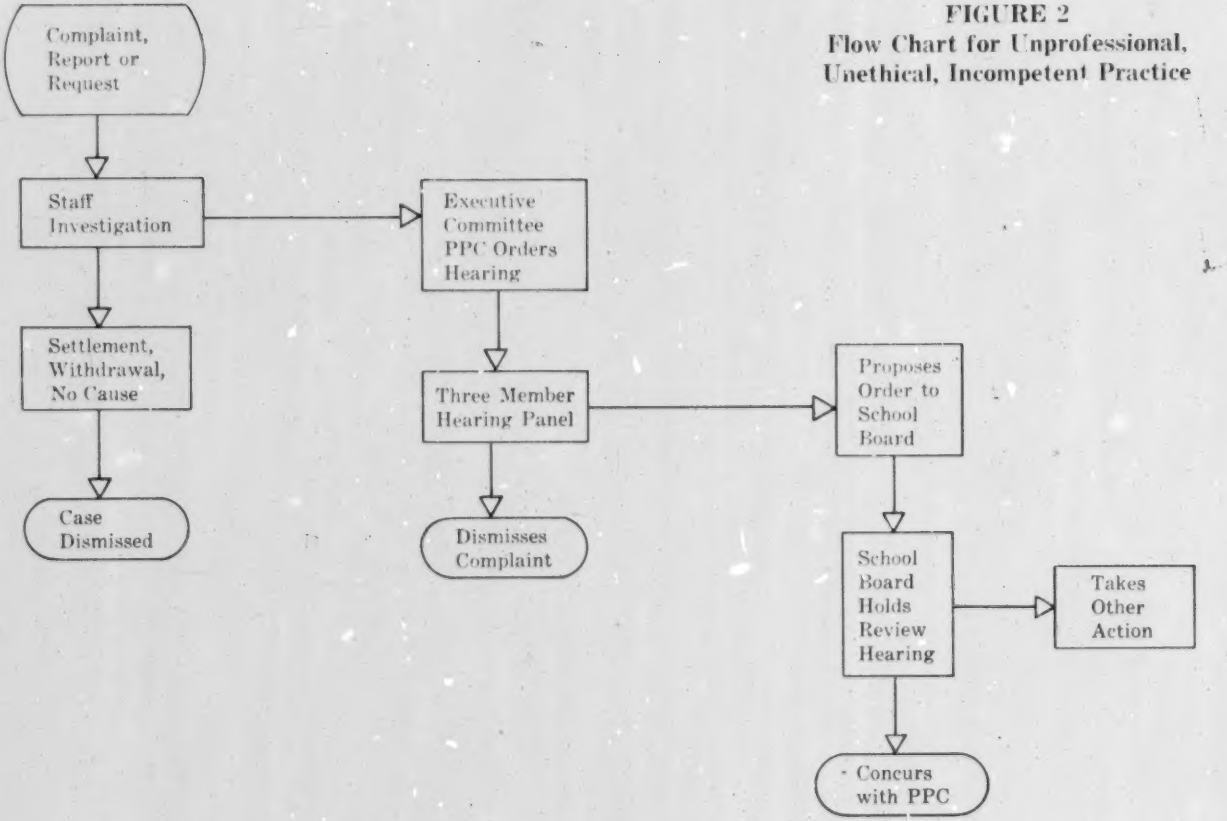


FIGURE 2
Flow Chart for Unprofessional, Unethical, Incompetent Practice



teaching certificate while Figure 2 is a flow chart for cases of unethical, unprofessional or incompetent practices by an educator.

One of the powers granted to the Council by the legislature is the power to subpoena witnesses or evidence. In some cases, other members of the teaching profession are reluctant to appear at a hearing when they feel that their testimony may be injurious to one of their associates. There have been times when certain records are needed for a case and those who are responsible for these records are unwilling or reluctant to make these records public. While the power of subpoena can be abused, it is an essential and necessary power that every Professional Practices Council must have if it is to do an adequate job.

Once the hearing on the case has been completed, the Professional Practices Council makes one of four recommendations to the State Board of Education. The first recommendation for action could be "no action." That is, as a result of the hearing, the Council does not believe that sufficient evidence was introduced to warrant any action. The Commissioner of Education could dismiss this complaint if he concurred. A second recommendation would be a warning or reprimand. In some cases, while there is some evidence to support the charges filed, there may be extenuating circumstances or only the barest of evidence brought forth. In this case, the Council may choose to recommend that the educator be warned or reprimanded by the Commissioner. In such an action, the educator is usually informed by the Council that repetition of similar behavior could result in more severe action.

The two recommendations that most significantly affect the members of the teaching profession are "suspension" and "revocation". These actions are recommended by the Council only when there is substantial and competent evidence to support the charges filed against a member of the teaching profession. The terms "substantial" and "competent" refer to legal definitions of evidence. Evidence for revocation or suspension must be both true, important, and of value as well as be presented by a competent, knowledgeable individual. Whether the recommendation is suspension or revocation depends on the type of charge and the severity of the charge. A recommendation for suspension is for a specific length of time. For example, the Council may

recommend the suspension of a teaching certificate for a period up to three years. Revocation is the most severe action that can be taken against a member of the teaching profession. Revocation of a teaching certificate is for any period up to ten years and may result in a permanent loss of the teaching certificate.

The remainder of this chapter will be devoted to a discussion of the various type of services and hearings conducted by the Professional Practices Council. It should be noted that not all cases are handled in exactly the same way and the type of case determines what specific procedures will be followed.

Probable Cause Determination:

If, after the initial field investigation has failed to resolve the complaint or the Executive Committee desires additional dependable information, a Probable Cause Hearing may be ordered by the Executive Committee. This type of hearing is, " . . . a formal investigation into a report or complaint where the hearing committee must examine witnesses and sometimes documents to determine if there is more reason to believe further action is warranted than there is reason to believe the matter should be dropped" (1). In cases where revocation or suspension of a teaching certificate could be ordered, a determination of probable cause is a legal requirement, and at the discretion of the executive committee, a probable cause or investigative hearing may be ordered.

The Probable Cause Hearing is similar to a grand jury investigation and is not a court trial. The intent of the Probable Cause Hearing is to determine if there is evidence that could support the charges made against a member of the teaching profession. If probable cause is found, the member of the teaching profession is eligible for an Adversary Hearing which will be discussed in the next section. In the Probable Cause Hearing, three members of the Professional Practices Council sit as the hearing panel. They are assisted by an attorney who advises the hearing panel on points of law. The task of the hearing panel is to ask questions of witnesses to determine if there is enough evidence to warrant an Adversary Hearing. An example may clarify the role of the Probable Cause Hearing.

Let us assume that Mrs. Jones, a third grade teacher, has been accused of physically beating one of her students. The

mother of the student has gone to the school principal and has accused the teacher of beating the child. The principal makes an initial investigation and feels that there may be evidence to support the charges of the mother. The teacher denies the charges. The Professional Practices Council is asked to investigate the charges and the field investigator makes a preliminary visit and interviews the accused teacher, the principal, other teachers in the building, the mother, and other individuals who may be able to contribute to the resolution of the charges. A hearing panel is appointed and they set a date for a hearing. The individuals interviewed by the field investigator are issued subpoenae to appear on the scheduled date of the hearing. Once the hearing is convened, each member of the hearing panel will interview the witnesses to determine if there is evidence to support the charges. A hearing panel member may ask one of the teachers in the building whose room adjoins that of the accused teacher if she heard anything of an unusual nature on the date and time of the alleged beating. The panel may interview the family physician to get a report of any bruises or marks on the child. Once all of the witnesses have been called, the hearing is concluded. The members of the panel must then make a report to the Executive Committee with a recommendation of probable cause or no probable cause. If there is a recommendation of no probable cause, the matter is dropped there although the mother may seek relief in the civil or criminal courts if she so desires. If probable cause is found, the accused is notified and a date is set for an Adversary Hearing. It should be pointed out that a Probable Cause Hearing is an accusatory procedure and is not a regular trial where there are lawyers representing the accused and the accuser. In a Probable Cause Hearing, the accused or their attorney are not allowed cross examination of any of the witnesses. The accused or their attorney are not legally entitled to make any statement before the hearing panel although in practice such a statement may be allowed at the end of the examination of all of the witnesses. Since this hearing is to determine if evidence exists to support the charges, the accused does not have to offer any defense. The offering of a defense and complete due process is provided in an Adversary Hearing. If the issue is conduct that may result in the suspension or revocation of a teaching certificate, any probable cause finding must be confirmed by the Commissioner of Education.

Adversary Hearing:

An adversary hearing is for all intents and purposes a formal trial where attorneys are present for the accused and the accuser. The Adversary Hearing follows a recommendation of probable cause from a Probable Cause Hearing. Many of the witnesses interviewed in the Probable Cause Hearing will be called as witnesses for the Adversary Hearing. The Hearing Panel is composed of three members of the Council, but not the same three members that sat on the Probable Cause Hearing Panel; and the law officer who advises the Hearing Panel on points of law such as objections to testimony or the admission of certain types of evidence. Unlike the role played by the members of the Hearing Panel for a Probable Cause Hearing, the hearing panel for an Adversary Hearing acts as a judge, or judicial tribunal and hears evidence elicited by questions from an attorney rather than asking questions themselves. The duty of the Hearing Panel is to determine the truth based on the testimony and evidence presented and to afford both sides complete fairness before an impartial panel. After the hearing is concluded, the hearing panel makes a recommendation to the Professional Practices Council, the district school board, or the State Board through the Commissioner of Education if the issue is one that the State Board should consider.

As an illustration of the Adversary Hearing, let us assume that the Probable Cause example in the previous section came to an Adversary Hearing. The Superintendent or the principal would probably be the accuser or the prosecution while the teacher would be the accused or the defendant. Both the prosecution and the defense would be represented by attorneys. Unlike the procedure in the Probable Cause Hearing, each witness can and will be subject to cross examination of their testimony. In a typical case, both sides will have witnesses. The prosecution begins the hearing and produces witnesses who provide evidence that would support the charges that the teacher beat the child in violation of law or regulations of the Council, school board or State Board. The defense attorney has an opportunity to cross examine each of these witnesses to refute the charges. During this process, the Hearing Panel serves as a judge listening to the evidence. A court reporter also makes a complete transcript of the hearing for the record as required by law. Only in rare cases will a member of the Hearing Panel ask a question of the

witness. To do so might show prejudice for one side or the other and could adversely affect the results of the hearing.

Two major types of cases are handled in an Adversary Hearing. The first type of case would be a charge of incompetency against a teacher or administrator. This charge is typically brought by the school administration. In this type of case, the accused follows the procedures of the Adversary Hearing but does not have to actually prove competency in teaching. It is the duty of the prosecution to prove with a preponderance of evidence that the teacher is incompetent. The second type of hearing is where charges of unprofessional or unethical conduct are brought against a member of the teaching profession. The example of the teacher accused of beating one of her students would be an example of unprofessional conduct.

Field Assistance:

A third type of service performed by the Professional Practices Council is not a type of hearing but is more like an advisory or consulting service to members of the teaching profession. Let us suppose that a principal who was originally a language arts teacher has a teacher in his building who teaches general science and biology. The principal has some reason to suspect that the teaching performance of this teacher is inadequate but he does not feel he has the academic background in science and biology to make an adequate appraisal of the teacher's strengths and weaknesses. The principal may be considering the formal filing of charges of incompetency or, as has been the case most often, the principal is seeking assistance in working with the teacher to improve his classroom performance. The principal works in a county which does not have the resources available such as curriculum specialists who can provide this assistance. It is important to remember that the principal has brought no charges against the teacher at this time nor have charges been brought by anyone else. The Professional Practices Council is contacted by the principal for assistance. He also notifies the teacher of his action and the reasons for the request to the Council. The Professional Practices Council will contact the Science Teachers section of the state teachers organization and request that this group submit the names of two teachers of science and biology to the Council. These two teachers will then be asked to visit the teacher in question and to

observe the teacher in the classroom. The two observing teachers will visit at different times and will not communicate with each other about this case. The observing teacher may spend from one to three days with the teacher in question. The observing teachers each write an independent report of their observations. This report includes a description of the teaching procedures used, the instructional strengths and weaknesses of the teacher, and specific suggestions concerning action that could be taken to correct any observed deficiencies. These reports are typically very detailed including, in some cases, sample lesson plans and suggestions for visual demonstrations, etc. The critical part of the report is the section in which the suggestions for improvement are made. A copy of these reports are forwarded to both the teacher and the principal. The Professional Practices Council sees this field assistance activity as an important contribution to the teaching profession in that this service may prevent charges being filed and result in successful rehabilitation. There is little doubt that a large number of teachers are capable of improving their instructional activities and this type of assistance may save a potentially good teacher from future charges and embarrassment.

Quasi-Judicial Hearings:

There is one additional service that is offered by the Professional Practices Council which is typically a combination of an Adversary Hearing and Field Assistance. Let us assume that a small rural county has a curriculum specialist who is accused of trying to contradict the policies set forth by the Superintendent of Schools. This individual has been in the county for twenty years and at one time was a high school teacher. Everyone in the county knows the curriculum specialist and many were taught by this individual. The curriculum specialist has a lot of friends in the county and a few enemies. The Superintendent wishes to bring charges of insubordination against the curriculum specialist and asks the school board to warn and reprimand the curriculum specialist for his actions and to stop such activities or formal charges will be filed with the Professional Practices Council. While no formal charges have been filed and it is still a county matter, the teachers, school board and the citizens of the county are divided on the issue. Two groups form and it becomes clear that there is no group in the county

that is able to render an impartial decision on the facts of the case. The Professional Practices Council is asked to hold an Adversary Hearing but the findings of this hearing and recommended action are submitted to the district school board. The role in this case is acting as an impartial group from outside the county to determine the facts of the case which cannot be done impartially by citizens of the county. Although this service is not requested very often, when it is requested it becomes a very interesting and exciting situation for the members of the Hearing Panel who must take great pains not to talk with citizens of the county prior to the hearing. Typically the situation has received considerable publicity and the atmosphere of the hearing is charged with emotion. This seldom requested service in some ways is one of the most important services that the Professional Practices Council can offer to the members of the teaching profession.

CHAPTER III
STANDARDS OF COMPETENT PROFESSIONAL PERFORMANCE

Background and Development:

In passing the Professional Teaching Practices Act of 1963, the Florida legislature charged the Professional Practices Commission with "setting standards and codes of professional practice and ethics." (2) Despite this mandate from the Florida legislature, it was not until 1969, some five years later, that the Standards of Competent Professional Performance became a reality and were approved by the Florida Department of Education. During that five year period, a number of activities took place which not only set the direction for the Standards but shaped the role that the Professional Practices Commission would play. Before reviewing the Standards in some detail, a few of these activities need to be examined as they determined how the standards were developed and how they were to be used in the State of Florida.

Between 1963 and 1967, the Professional Practices Commission was financed by the Florida Education Association. The major activity of the Commission during that time was to develop rules to guide the operation of the Commission and an examination of the structure and operations of groups in other

states which dealt with professional practices of the teaching profession. In 1968, the Florida legislature provided the first budget for the Commission which allowed the Commission to hire a staff. The staff, with approval from the Council, set as its first priority the development of "behaviorally stated standards for distinguishing between competent and incompetent professional behavior." In May, 1968 the Commission invited the deans of all of the teacher preparation units of the public and private institutions of higher education in the State of Florida to join with classroom teachers, school administrators and Florida Department of Education personnel to meet with the staff of the Professional Practices Commission and to assist in developing "behavioral standards of performance."

Although the size of this group was too large to allow for much actual work to be done, it was a significant meeting. Such a meeting reflected the commitment by the staff and the Professional Practices Commission that all levels of professional education must be involved in the development of standards for the teaching profession. This commitment remains to this day and has been one of the factors that has contributed to the success of the Commission. This meeting also provided an opportunity for an open exchange of ideas and expertise dealing with the evaluation of teaching behaviors. The group which eventually developed the Standards came from this original meeting and after approximately twelve months of additional meetings and public hearings, the Standards of Competent Professional Performance were adopted by the Commission and presented to the Board of Education for its approval. (3).

Major Features of the Standards:

As the committee to develop the Standards met, a common set of beliefs and values were developed which dictated the development and format of the Standards. While these beliefs and values are not always specifically stated in the standards, they are reflected in all of the standards and comprise an important outcome of the meeting by the committee.

First, there was agreement that the Standards should reflect minimally acceptable levels of performance rather than optimal or desirable levels of performance. In the initial statement of the Standards, Chapter 6B-5, this belief is stated as follows. "The standards listed in this chapter are held to be the generally

accepted minimal standards of the education profession of Florida . . .".

Second, it became clear early in the discussion that the focus should be on "incompetency" rather than "competency". This was more than a semantic difference and agreement on this issue cleared the way for the development of a set of Standards which allowed only for judgments of clearly incompetent teaching behavior rather than judgments about the degree of competency of an educator.

Third, the staff of the Professional Practices Commission had already developed the model for having a number of professional reviewers to be used in the determination of charges of "incompetency". This meant to the committee that since these reviewers were selected from teachers in the State of Florida who had already demonstrated their competency as a teacher that the Standards should not be so restrictive as to inhibit or limit the reviewers from making "professional judgments" about the teaching behavior of another educator. As a result, the idea of developing strict behaviorally stated standards was discarded and the Standards were seen as a set of guidelines for the reviewers to use in their observations. While it was hoped that the language of each of the Standards would be sufficiently clear and precise so that specific behaviors could be recorded, it was also felt that the task of the reviewers should include the making of judgments about teaching behaviors observed which could then be related to the more general statements in the Standards.

Fourth, since the Standards covered a number of different areas, nine in the final draft of the Standards, the committee felt that it was important to indicate as clearly as possible that no teacher should be expected to be equally competent in all nine areas. Stated in another way, the committee believed that no teacher should be judged as incompetent if they were only deficient in one or two of the areas included in the Standards. This belief is reflected in the General section of Chapter 6B-5 and states, "No finding of professional incompetence shall be made except where a preponderance of evidence exists of such incompetency."

Fifth, since the Standards were designed to be used for all members of the teaching profession, both teachers and administrators must be included. In the final draft of the Standards, it was convenient to use the terms "educator," "teacher" and "administrator." The term "educator" was used to include Stand-

ards which all members of the teaching profession, administrators and teachers, would be expected to follow. The term "teacher" was used to designate those aspects of the Standards which applied specifically to the classroom teacher but did not apply specifically to a member of the administrative staff. The final term "administrator" was used for those parts of the standards which were most relevant to the professional behaviors of the administrative staff. As the reader reviews each of the Standards, they will note the use of these three designations.

Sixth, the committee believed that although not all possible teaching behaviors could be included in any one set of Standards, this set of Standards should include the major areas included in teacher behaviors. As you will notice in reading the Standards, the areas included range from rather specific administrative duties to standards dealing with the physical and mental health of the educator.

The Standards:

The following are taken from Chapter 6B-5 of the Rules of the Professional Practices Council.

6B-5.01 General. The standards listed in this chapter are held to be the generally accepted minimal standards of the education profession in Florida and are therefore declared to be the basis for reviewing the performance of professional educators under the provisions of Section 231.57, Florida Statutes, and the governmental Reorganization Act of 1969. It is the intent of the Professional Practices Council that the standards set forth herein shall apply to those who teach in classrooms and those who supervise and provide administrative services to those who teach in classrooms. Professional reviewers appointed by the council shall review professional performance, and form opinions of the quality of professional service rendered. The reviewers shall relate such opinions by sworn testimony before the Council in any hearing where professional competency is in issue, provided that reviewers shall qualify as expert witnesses before the Council. Testimony shall be based on the standards included herein. No findings of professional incompetency shall be made except where a preponderance of evidence exists of such incompetency.

6B-5.02 Definitions. As used herein the following words and terms have the meaning:

(1) *Administrative*—Pertaining to the execution, application or management of persons or things.

(2) *Available*—That which can be used or obtained.

(3) *Communication Skills*—The capacity, ability, or art of giving, or giving and receiving, through any of the senses, information, ideas, and attitudes.

(4) *Competent*—The ability or fitness to discharge the required duties as set forth in this chapter.

(5) *Designated Task*—The duty or assignment for which responsible at any given time.

(6) *Diagnosis*—Identification of needs, strengths and weaknesses through examination, observation and analysis.

(7) *Educator*—Any person engaged in the instructional program including those engaged in teaching, administering, and supervising and who are required to be certified.

(8) *Effective*—Producing a definite or desired result.

(9) *Management*—Controlling, supervising and guiding the efforts of others.

(10 *Policy*—Authorized expressions of public intent reflecting the general principles guiding the efforts of the school system toward approved goals.

(11) *Preponderance of Evidence*—A superiority of weight.

(12) *Reasonable*—Just; proper. Ordinary or usual. Fit and appropriate to the end in view.

(13) *Teacher*—One who teaches or instructs.

6B-5.03 Administrative and Supervisory Requirements

Competent educators must possess the abilities and skills necessary to the designated task. Therefore,

(1) Each educator shall:
   (a) keep records for which responsible in accord with law and accepted practices of school system,
   (b) supervise others in accordance with law and accepted practices of school system,
   (c) recognize the role and function of community agencies and groups as they relate to the school.

(2) Each teacher shall:
   (a) utilize available instructional materials and equipment necessary to accomplish the designated task,
   (b) adhere to and enforce administrative policy of the school, and

(3) Each administrator shall:

(a) use available instructional personnel, materials and equipment necessary to accomplish the designated task,

(b) adhere to and enforce school law, state board regulation, and school board policy,

(c) use suitable channels of communication when interacting with teachers, community agencies and groups.

6B-5.04 Analysis of Individual Needs and Individual Potential.

The competent educator shall utilize or promote the utilization of acceptable techniques to analyze the needs and potential of individuals.

6B-5.05 Instructional Procedures.—Each competent educator shall seek accomplishment of the designated task through selection and utilization of appropriate instructional procedures. Therefore,

(1) Each educator shall:

(a) create an atmosphere which fosters interest and enthusiasm for learning and teaching,

(b) use procedures appropriate to accomplish the designated task,

(c) encourage expressions of ideas, opinions and feelings;

(2) Each teacher shall:

(a) create interest through the use of materials and techniques appropriate to the varying abilities and backgrounds of students,

(b) utilize individual student interests and abilities when planning and implementing instruction, and

(3) Each administrator shall:

(a) support the creation of interest by providing the materials, equipment and encouragement necessary for the teacher to accomplish the designated task,

(b) make assignment of tasks and duties in light of individual abilities and specialities.

6B-5.06 Communication Skills

In communicating with students and other educators,

each competent educator, within the limits prescribed by his assignment and role, shall:

(1) Utilize information and materials that are relevant to the designated task,

(2) Use language and terminology which are relevant to the designated task,

(3) Use language which reflects an understanding of the ability of the individual or group,

(4) Assure that the task is understood,

(5) Use feedback techniques which are relevant to the designated task,

(6) Extract major ideas or themes from the statement of others, and

(7) Encourage each individual to state his ideas clearly.

6B-5.07 Management Techniques

In exercising management techniques, the competent educator shall:

(1) Resolve discipline problems in accordance with law, state board regulations, school board policy, administrative regulations and accepted school policies,

(2) Maintain consistency in the application of policy and practice,

(3) Use management techniques which are appropriate to the particular setting such as group work, seat work, lecture, discussion, individual projects and others, and

(4) Develop and maintain standards of conduct.

6B-5.08 Competence in Specialization

Each competent educator shall possess knowledge, within his area of specialization, to a degree consistent with his record of professional preparation and shall be able to show evidence of having an awareness of current developments in his field.

6B-5.09 Evaluation of Learning and Goal Achievement.

A competent educator accepts responsibility commensurate with delegated authority to evaluate learning and goal achievement, and the competent educator shall:

(1) Utilize several types of evaluative techniques,

(2) Provide frequent and prompt feedback concerning the success of learning and goal achievement efforts;

(3) Analyze and interpret effectively the results of eval-

uation for judging instruction, the achievement of stated goals, or the need for further diagnosis,

(4) Utilize the results of evaluation for planning, counseling and program modification, and

(5) Explain methods and procedures of evaluation to those concerned.

6B-5.10 Human and Interpersonal Relationships.

Competent educators are held to possess effective human and interpersonal relations skills and therefore:

(1) Shall encourage others to hold and express differing opinions or ideas,

(2) Shall not knowingly misinterpret the statement of others,

(3) Shall not show disrespect for or lack of acceptance of others,

(4) Shall provide leadership and direction for others by appropriate example,

(5) Shall offer constructive criticism when necessary,

(6) Shall comply with reasonable requests and orders given by and with proper authority,

(7) Shall not assign unreasonable tasks, and

(8) Shall demonstrate self-confidence and self-sufficiency in exercising authority.

6B-5.11 Personal Requirements.

In assessing the mental and physical health of educators, no decision adverse to the educator shall be made except on the advice or testimony of personnel competent to make such judgment by reason of training, licensure and experience. However, certain behaviors are held to be probable cause to examine, and each competent educator within the scope of delegated authority shall:

(1) Be able to engage in physical activity appropriate to the designated task except for temporary disability,

(2) Be able to communicate so effectively as to accomplish the designated task.

(3) Appropriately control his emotions,

(4) Possess and demonstrate sufficient intellectual ability to perform designated tasks.

CHAPTER IV
CASE PREPARATION

The first three chapters of this Bulletin have focused on the development of the Professional Practices Council, a description of the major functions performed by the Council and the Standards of Competent Professional Performance. In this chapter, the specific steps and procedures for the development of a case will be presented. Before examining the details of case preparation, a few general comments are needed.

When a teacher is first informed that she is about to have charges of incompetency or unethical practice filed against her by the school administration, the first reaction may be one of panic. The teacher should remember that the rules of the Professional Practice Council have been developed to provide due process and protection to both the complainant and the respondent. These rules are derived from Constitutional mandates and administrative procedures and must be adhered to by both sides. The first thing for the teacher to do is to retain an attorney who will represent her during the preliminary procedures that precede a formal hearing. The teacher should seek advice from the attorney about what to say or not to say and how to respond to questions from others. The following is a brief summary of the steps required in the preparation of a case. These steps follow traditional legal procedures and should be familiar to the attorney.

The first step in the development of a case is the filing of a formal complaint by the accuser or complainant. This is not a general criticism but must contain specific charges filed by one or more individuals who must sign their name or names to the complaint. In some instances, the Council has received "John Doe" complaints from individuals who do not want to be identified. The Council informs the complainant that the Council cannot proceed on the complaint until and unless the complainant is willing to file formal charges and sign his or her name to the complaint. In many cases the complaint stops at this point. If a teacher or a citizen wishes to file a complaint, they should also retain an attorney as soon as possible who will assist in the development of the complaint and see that all legal procedures are followed.

Once a formal complaint has been received by the Profes-

sional Practices Council, the accused or respondent is notified by registered mail about the general nature of the complaint and the specific charges. The respondent has twenty days to reply to the complaint. The respondent may agree to the charges in which case the Council and school board typically takes whatever action is appropriate and the case is closed. The respondent may deny the charges and request a hearing. At a later date, the complainant and the respondent will be notified by registered mail of the date, time and place scheduled for the hearing. Between the receipt of the notice of complaint and the scheduled hearing, a great deal of work is done in the preparation of the case, interviewing witnesses and discussing the case with the opposing attorney. These procedures are legal procedures and should be done only by the attorneys representing the two sides of the issue. The procedures are complex and often time consuming and those involved must put their trust in their respective attorneys.

When the time comes for the hearing of the case, it will be an Adversary Hearing procedure. The complainant should be ready to support the charges with documentation. For example, the teachers daily record book may be used to indicate how the teacher kept attendance and how she recorded the results of tests given to the pupils. Lesson plans, classroom materials used in a lesson and notes kept by the teacher may all provide an insight into the teaching procedures of the teacher. Records of visits to the classroom by the principal or instructional supervisor should be available. Any conferences or communications by the principal or other administrators with the teacher should be recorded and documented. In brief, the essence of any well developed case is documented proof submitted by the complainant. General comments such as, "She's the worst teacher I've had in ten years" is likely to be received by the attorney for the teacher with a request for specific information upon which that statement was made. Failure to produce this evidence weakens the position of those who filed the complaint.

The teacher who is the respondent must also have a well prepared case. She should be able to offer evidence of her competency and ability as a teacher although she is not required to prove her competency but only to defend herself against charges of incompetency. Since her attorney is required by law

to know what the complainant plans to present in evidence to support the charges, the attorney for the teacher prepares a case to refute this evidence and needs the help of the one he represents.

There are two major types of cases that go to a hearing, (1) cases where there is a charge of incompetency and, (2) cases relating to charges of unethical and unprofessional conduct. The procedures of the Professional Practices Council are best developed for those cases involving charges of incompetency. In cases where a member of the teaching profession has been charged with unethical or unprofessional behavior, the hearing on the merits of these cases is very similar to any trial held in a civil or criminal court. In the case of hearings of charges of incompetency, special procedures have been developed. The two major types of procedures for incompetency hearings are the use of the NEAT procedures and the use of professional reviewers.

NEAT Procedures:

The NEAT procedures have been developed by the Professional Practices Council as guidelines for the preparation of a case which also assures the teacher of due process and a fair hearing. Briefly, the NEAT procedures include: *N*otice that deficiencies exist which if not corrected could lead to dismissal; *E*xplanation of the nature of the deficiencies to the individual concerned; *A*ssistance rendered to the teacher to correct the deficiencies listed; and *T*ime to allow for the correction of the deficiencies.

The complainant must be able to document that he has informed the accused of the existence of certain deficiencies. The complainant may have spoken to the teacher or arranged a number of conferences with the teacher to discuss the deficiencies. The complainant usually follows up these meetings with a registered letter to the accused in which the deficiencies are stated. The nature of the deficiencies must be specific. Statements that, "You have poor classroom control" is not specific enough in and of itself. The complainant must document to the accused specifically what events occurred in the classroom which caused the complainant to make the statement about lack of classroom control. The accused must be given a detailed ex-

planation of the deficiencies seen and documentation of specific instances of these deficiencies.

One of the most critical aspects of the NEAT procedures is the providing of assistance to correct the deficiencies. In many cases, the complainant has not been able to show that he did provide reasonable assistance to the accused. It should be pointed out here that the amount of assistance provided will vary from rural counties to urban counties depending on the resources available. One way that a county with limited resources can provide such assistance is by requesting Field Assistance from the Professional Practices Council. This function was discussed in Chapter II of this Bulletin. The critical factor in a hearing is to decide whether or not the complainant provided reasonable assistance within the limitations of the resources of the school system. Finally, the complainant must be able to document that "reasonable" time was allowed for the correction of the deficiencies. There is not an adequate measure of the amount of time required to correct deficiencies. The question to be asked is was the time allowed reasonable for the correction of the deficiency. If a teacher has deficiencies in keeping records of attendance in her record book, a reasonable time for correction of this deficiency may be a few days or a week. If the teacher has a deficiency in developing and organizing enrichment activities, a reasonable time may be six months or a year. The hearing panel must make a judgment about how reasonable was the assistance offered and the time allowed for the correction of the deficiencies. In incompetency hearings, regardless of the resources available to the school system, the Professional Practices Council assigns three professional reviewers to observe the accused teacher and to make independent reports of their observations.

Professional Reviewers:

The reader may recall that in Chapter I of this Bulletin, the original bill submitted to the legislature was the "expert witness" act. While this bill did not pass, the concept of the expert witness became an important part of the procedures of the Council. The professional reviewers, at the hearing, act as expert witnesses and are allowed to make "professional judgments" about the competency or incompetency of another member of the

teaching profession. Once a complaint has been filed, the Professional Practices Council appoints three professional reviewers to the case. Their task is to use the Standards of Competent Professional Performance (Chapter III) as guidelines for their observation of the accused teacher. Typically, each reviewer will spend two or three days in visiting the school and the classroom. Each reviewer visits the teacher at a different time and may not communicate with the other reviewers. Each reviewer writes a report of the observations which are made available to the attorneys for both sides.

The selection of the professional reviewers is a critical task of the Professional Practices Council. Until recently, the Council contacted the discipline areas of the local teachers association for names of outstanding teachers. For example, if the accused teacher taught third grade, the reviewers would be selected by the Elementary Teachers group and three third grade teachers would be assigned as reviewers. Recently the Council has been able to train a pool of professional reviewers who represent all disciplines and these trained reviewers are now contacted when needed for cases on incompetency. The intent of the Council in selecting reviewers was to "match" the reviewer as closely as possible to the characteristics of the accused teacher. If the accused teacher taught third grade, was a black female, then at least two of the three reviewers would be black, female, third grade teachers if at all possible. Since the reviewers will eventually serve as expert witnesses at a hearing, their background and experience should be of such a nature as to qualify them as experts in the case in question.

During the adversary hearing, the three professional reviewers will be called on by the chairman of the hearing panel to testify. Because the reviewers have been assigned to the case by the Professional Practice Council, they serve as "special masters to the Council" which means that they are acting for the Council and will testify as to what they observed. The typical final question asked each of the reviewers by the chairman is, "In your professional judgment, do you believe that this teacher is incompetent?" On the basis of evidence collected and their qualifications as expert witnesses, the professional reviewers may make such a judgment statement which may be considered as evidence in the hearing. These reviewers may be cross-examined by both attorneys.

Other Types of Cases:

This chapter has focused primarily on hearings of charges of incompetency. Other cases may focus upon unethical practices of a member of the teaching profession such as a violation of contract, insubordination, etc., which are unprofessional activities but are not subject to civil or criminal action. There are times when a member of the teaching profession is convicted of breaking some law, which is grounds for revocation or suspension of the teaching certificate. Driving while intoxicated, possession or use of drugs, shoplifting, and prostitution are examples of such offenses where being found guilty of the charges is grounds for revocation or suspension. The Florida Department of Education has used the Professional Practices Council as an investigative agency to investigate such charges, to hold hearings and to make a recommendation for action by the Board of Education. The Council does not normally become involved in these cases until all civil and criminal legal processes have been exhausted. For example, the Council has several cases which are being stayed until appeals to higher courts have been completed before action is taken. The member of the teaching profession is entitled to an Adversary Hearing in such instances even though they have been found guilty by a civil or criminal court. In practice, few if any teachers request this hearing, but they are entitled to such a hearing if they wish.

Examples of Cases

It may be of some interest to the reader to learn of the variety of cases handled by the Professional Practices Council. The case load of the Council has grown from a total of fourteen in 1968 to three hundred and ninety-three in 1973. The reader should realize that the cases handled in 1973 represent about four teachers out of a thousand and is, therefore, only a very small percentage of the total number of teachers in the state of Florida. The following represent a sample of the cases that have been referred to the Professional Practices Council. In some instances, the case may have had some amusing aspects but the charges are anything but amusing.

Teachers have been charged with mishandling funds such as receipts from an athletic or music activity. There have been a number of teachers who have been convicted of possession of

drugs. Teachers have charged their principal with unethical conduct in assigning the teacher to teach out of field. A principal charged the superintendent of schools with unprofessional conduct. Teachers have been charged with forging the name of a physician to a medical certificate. An administrator was charged with accepting multiple contracts from different school systems without being released from any of them. A teacher who refereed an athletic event was charged with unethical behavior by a mother of a child on the team that lost the game. Teachers and principals have been charged with shoplifting, immoral acts, and littering. A school system was charged with refusing to deduct social security contributions from the teachers pay checks. A teacher charged her school system with demoting her to a less responsible position. Teachers have been charged with seducing students and molesting children. These are but examples of the types of cases that the Council is asked to handle each year. In addition to the examples listed, the Council receives cases of incompetency and unprofessional conduct while in the classroom or school. The majority of cases involve teachers rather than administrators. This is to be expected since there are many more teachers than administrators in the public schools. The examples given were selected to reflect the range of charges that any Professional Practices Council can expect to receive. The cases were also selected to reflect the inclusion of all levels in the teaching profession for teacher through superintendent. The Council has even received a complaint against a member of the School Board which is not within the present jurisdiction of the Council.

As long as all of the members of the teaching profession and the public are willing to make complaints when there appears to be some possible misbehavior, the future of the teaching profession is in good hands. There is little likelihood that this procedure will ever become a "witch hunt" by one particular group. It does reflect both an interest in and a feeling of responsibility for the activities of the members of the teaching profession. While documentation is difficult, the authors are convinced that the presence of the Professional Practices Council in Florida has significantly decreased the number of cases of arbitrary or politically motivated action against a teacher. The classroom teachers are also beginning to realize that the members of the administrative staff are responsible for their actions and that an

administrator is just as likely to be charged with unprofessional conduct as is a teacher.

CHAPTER V
FUTURE DIRECTIONS OF THE PROFESSIONAL PRACTICES COUNCIL

In the preceding chapters the background and present functions of the Professional Practices Council have been discussed. The authors would like to conclude this Bulletin with a brief statement about what the future of the Council may be. It seems clear that the Council has developed considerable expertise and experience in the processing of complaints and charges of public school teachers. The Council is in the process of considering what if any role the Council should have in the development of standards of conduct and procedures for dealing with complaints filed against instructional paraprofessionals. As the number of paraprofessionals in our schools increases, the potential role of the Council in dealing with this group becomes more critical. It may well be that the Council membership will have to be modified in the future to include representatives from the instructional paraprofessional group.

Recent difficulties that have developed in both universities and junior-community colleges have set in motion another potential responsibility of the Professional Practices Council. Should the Council apply its experience and expertise to these institutions of high learning? One of the questions which must be raised is whether or not the duties and responsibilities of professors in institutions of higher learning are similar to those of the public school teacher. If the answer is yes, then the basic philosophy of the Council could be extended to institutions of higher learning. If the answer is no, then the Council must consider whether or not it chooses to develop a parallel group to deal with problems which develop in institutions of higher learning. It should be remembered that unlike the public school teacher, the professor does not have to be certified by the state in an institution of higher learning. The question of expansion to both the instructional paraprofessionals and professors is a topic of some discussion and study by the Council. While only the future will reveal what the decision will be in these instances, groups developing councils similar to the Professional Practices

Council might take notice of the potential issues that they may well be asked to resolve as they plan the functions of their group.

Even if the Council chooses not to expand into the areas just discussed, the tremendous increase in case load has brought pressures and changes to bear on the Council. In the "good old days" the members of the Council could deal rather directly and personally with the cases brought before the Council. As the case load increased it has been necessary to institute procedures such as the use of field investigators to deal with the case load. The procedures have necessarily become more formal and regretfully impersonal. How big is big enough is a critical question for the Council. The success of the Council has been its personal dedication and commitment to dealing with each case on an individual basis. While this approach will probably never be lost, as the operation of the Council becomes more formalized the members of the Council become separated more and more from the day to day proceedings of the Council. Any group that develops a council must be aware of the consequences of success and the accompanying growth of their group. On the one hand, the Council could become just another bureaucratic agency that processes complaints through a series of administrative steps and the personal contact with the teachers they represent could become less and less. On the other hand, the Council could be divided into sub groups, with one sub group representing the elementary teachers ,another the secondary teachers, a third the administrators and so forth. The basic unity of the Council as a representative of the entire teaching profession might well be lost in such a move.

The Professional Practices Council was developed by members of the teaching profession to represent the teaching profession in a disciplinary activity. The review of the growth in case load of the Council and an analysis of the many functions performed by the Council is a reflection of its commitment to the teaching profession of Florida. Yet the Council does not have any large scale and direct information from the teaching profession about how the teachers view the Council. Do they see the Council as an arm of school administrators whose aim is to remove uncooperative teachers from the schools? Do they see the Council as their "friend in court" whenever charges are brought against a member of the teaching profession? In the future the Council must necessarily turn some of its efforts to the problem

of sampling the attitudes and beliefs about the Council which are held by those who the Council is representing. What changes or additions to the present functions of the Council are seen as important by teachers, administrators and school board members? At present, this information is gathered on an informal basis but the future will see a more formalized and concentrated effort on the part of the Council to sample these attitudes and beliefs.

In addition to sampling how the members of the teaching profession view the Council, additional effort should be made to educate the teachers and administrators in the state about the role and functions of the Council. Despite a constant and organized offering of workshops on the role of the Council throughout the state, members of the Council are constantly aware that there are many members of the teaching profession who are totally unaware that the Council exists or what the role of the Council is. The future success of the Council will depend heavily on the awareness of all members of the teaching profession about the role of the Council.

As the number of cases brought before the Council grows, it becomes clear that sooner or later the Council should begin to analyze the many factors that are related to these cases. The Council may be able in the future to identify certain school systems where there is a high case load and perhaps to identify some of the reasons for that case load. There may be other factors such as the type of university where the teacher received her training that may be identified. If this is an important variable, the Council may be able to identify certain types of teacher training practices that are related to later unprofessional conduct by those trained by that institution.

All of the above are in the future. Whether or not the Council addresses itself to these problems cannot be predicted at this time. Perhaps some of the areas mentioned are not important or have a low priority. In any event, if the Council is to remain as an active force in representing the members of the teaching profession in Florida, these areas must be discussed and some decisions made.

A final note to the reader of this Bulletin would be to share the faith and commitment held by the present members of the Professional Practices Council in the teaching profession. Although the Council is constantly reminded of the misdeeds of

members of the teaching profession as the Council deals with cases brought to it, the contacts that the Council members have throughout the state as they investigate or hold hearings on charges make them equally aware of the large numbers of teachers and administrators who are committed to their profession and are positive examples of the highest professional standards.

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